

OGC HAS REVIEWED.

31 October 1955

MEMORANDUM FOR THE RECORD

SUBJECT: Morgenthau Library Papers

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1. On Thursday, 27 October 1955, Mr. [] Chief of Administration, FI, brought me the OSS report which was included in those papers from the Morgenthau Library which had been requested by Senator Eastland for the Senate Internal Security Subcommittee. [] told me that FE had reviewed the report and saw no reason for continued classification and no reason why the report could not be released except for possible minor embarrassment if the Chinese Communists were to make propaganda out of some of the cracks [] This position was to be confirmed in writing, but due to shortness of time I informed Mr. Oliver Eastland of the General Services Administration that I would appear before the Committee Friday morning and state our position. I also talked to Mr. Claxton of the Department of State who said their problem was that they did not know yet what was in the papers. They hoped to get more time. Friday morning I talked to Max Elliott of the General Services Administration and told him the papers presented us no problem and that I would appear. I also informed Mr. Rankin, Assistant Attorney General, Office of Legal Counsel, Department of Justice.

2. At 11:15 Friday morning the Committee called Mr. Macomber, Associate General Counsel, General Services Administration, and at the same time swore in Mr. Shacklette of General Services, Assistant Secretary Carpenter of State, and myself. Mr. Macomber was closely quizzed by Senator Eastland and Mr. Sourwine. The problem lies in the fact that the Morgenthau Library was a gift from Morgenthau to the Government, containing Government papers which had been released to Mr. Morgenthau by a letter from Secretary Snyder in 1947. By the condition of the gift to the Government of all papers, including the Government ones, Mr. Morgenthau could utilize anyone he saw fit to review the material. The Committee's position was that if the material could be released to Mr. Morgenthau as a private individual and then after return to the Government access could be authorized by Mr. Morgenthau as a private individual, why was there any question of releasing the material to a committee of Congress and how could the material be considered classified? Mr. Macomber had considerable difficulty in answering this question

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and said they had been advised by the Department of Justice that the material must be reviewed by the appropriate agencies to see if any question of the national interest were involved. Senator Eastland then asked if any of the agencies were ready to speak, and Assistant Secretary Carpenter and I arose. Mr. Carpenter said they had declassified a portion of the papers and were proceeding as rapidly as possible to review the others. I stated that we as custodians of the OSS report and responsible for its security had determined that it no longer required classification and furthermore saw no reason why it should not be delivered to the Committee. Mr. Shacklette said the Department of Defense had only done a few papers out of the several hundred referred to them. A representative of the Treasury Department took the position that under Executive Order 10501 it was possible that even though all the material had been declassified the Government might now have to reclassify some of it. It was obvious that the Committee did not agree completely with this position, and the Treasury representative himself expressed doubt so his point was passed over with some hilarity.

3. Mr. Sourwine then asked if any Agency were ready to deliver the papers to the Committee at this time. I stated that I would prefer to go through the formal declassification proceedings so I could deliver them in proper form. Mr. Elliott and Mr. Shacklette informed me afterwards that the understanding had been that all commitments for delivery would be made through the General Services Administration. I had been informed to the contrary and had stated my intended position to Mr. Elliott and Mr. Rankin in the morning. Mr. Elliott said it made no difference and I agreed to put our clearance through them. Mr. Macomber came to my rescue and said that it had not been clear to him that we were required to respond through the General Services Administration. In any case, I believe we are out of the picture and I was treated politely without questioning, whereas they were definitely tough on Macomber and the others.

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cc: Assistant to DCI (Grogan)
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